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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,237	09/22/2000	Stephen J. Reinl	18696-169197	1339

7590 03/02/2005

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EXAMINER

SHIBUYA, MARK LANCE

ART UNIT PAPER NUMBER

1639

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HC



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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091667,237 9/22/2000 Reim et al.

EXAMINER

ART UNIT	PAPER
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02242005

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Mark L. Shibuya
Examiner
Art Unit: 1639

Art Unit: 1639

The reply filed on 12/06/2004 is not fully responsive to the prior Requirement for Election/Restriction, 3/31/2003, because of the following omission(s) or matter(s):

Applicant election of SEQ ID No: 12 in the Reply, entered 12/6/2004, is acknowledged; and applicant's election with traverse of Group I, claims 1-11 and 49 in the Reply entered 4/30/2003 is acknowledged. However, upon further inspection, it has become clear that applicant election of species, in the reply entered 4/30/2003, for points A and B, within Group I, is incomplete. In said reply entered 4/30/2003, applicant elected the species of the first domain as immunoglobulin VH and the species of the second domain as immunoglobulin VL; however the Requirement for Election/Restriction, mailed 3/31/2003, states:

This application contains claims directed to patentably distinct species of the claimed invention. If applicants elects either of Inventions I or V, applicants are required a species for each of the following A-C:

- A. species of first domain (include whether coding or non-coding and binding properties, if any),
- B. species of second domain (include whether coding or non-coding and binding properties, if any), AND
- C. species of repeated pattern of degenerate repeated triplet nucleotides.

Requirement, mailed 3/31/2003, at p. 4. In regards to points A and B, applicant did *not* "include whether coding or non-coding and binding properties, if any", as required. Applicant must specify whether applicant's elected species for points A and B are "coding or non-coding and binding properties, if any".

Furthermore, applicant has not clearly listed what claims are readable upon the species elected. As previously stated:

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Applicants are advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Requirement, mailed 3/31/2003, at p. 5. Applicant must clearly list what claims are readable upon the species elected, particularly in regard to claims 5-12, in view of a complete election of species, including "coding or non-coding and binding properties, if any" for points A and B; and in regard to claims 2-4, in view of applicant's previous election of SEQ ID No: 12 in the Reply entered, 12/6/2004.

The examiner regrets not having reported these omissions earlier and any inconvenience that this may cause the applicant.

Applicant's attention is invited again to p. 5, which states:

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

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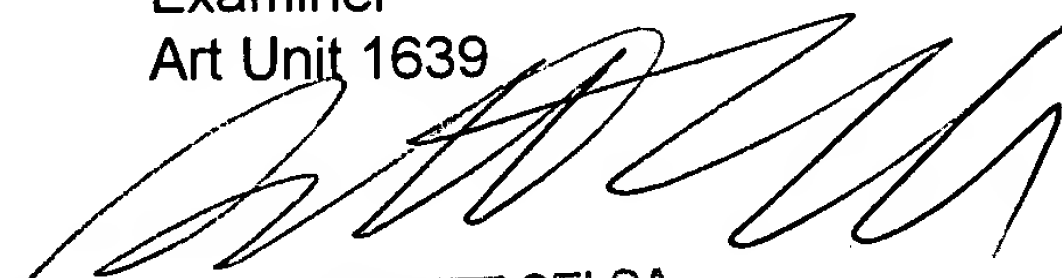
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Shibuya whose telephone number is (571) 272-0806. The examiner can normally be reached on M-F, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Mark L. Shibuya
Examiner
Art Unit 1639


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